

Legislative Branch: FY2006 Appropriations

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Summary

The President signed H.R. 2985, the FY2006 Legislative Branch Appropriations Act, into P.L. 109-55 on August 2, 2005 (119 Stat. 565). The act provides \$3.804 billion in new budget authority, a 4.49% increase of \$163.61 million over current budget authority. Going into conference, the House bill contained \$2.87 billion, a 1.7% increase over the current budget, *excluding* funds for Senate items, which were determined by the Senate after House consideration of the bill. The Senate bill contained \$3.83 billion, a 6.3% increase, *including* funds for House items.

The level of funding is less than the outlay of \$3.809 billion projected by the House Budget Committee. The difference is to be offset by the use of prior year funds made available primarily for projects under jurisdiction of the Architect of the Capitol. As enacted into law, H.R. 2985 contained new discretionary budget authority of \$3.804 billion, exceeding the 302(b) allocation by \$85 million.

One of the more controversial issues, House language providing for continuity of representation in the House of Representatives pursuant to an emergency situation, was retained by conferees. The Senate bill did not contain the language.

Actions on the FY2006 bill follow last year's approval by the Committees on Appropriations of a virtual funding freeze. Congress eventually agreed to a 1.2% increase, which fell below the 1.3% increase agreed to by both houses for discretionary funds.

Among other issues that were under consideration during discussions on the FY2006 budget were

- requests by the chairman of the House and Senate Appropriations Committees for agencies to identify further their FY2006 objectives in an effort to reduce their requests to more closely mirror the President's call for a 2.1% on discretionary appropriations;
- funding for the U.S. Capitol Police budget (the House bill contained a 0.7% decrease; the Senate bill, a 9.6% increase; and the conference report, a 3.31% increase;
- funding for the Capitol Visitor Center (the House bill contained \$36.9 million; the Senate bill, \$44.2 million, with conferees agreeing to the Senate figure);
- language in the House bill terminating the Capitol Police mounted horse unit, which was retained in conference; the Senate bill did not contain the provision;
- language regarding management of the Capitol Police;
- language in both the House and Senate bill limiting the pay of a legislative branch employee to that received by a Member of Congress, which was dropped during conference; and,
- language in the Senate report encouraging the application of performance standards for the legislative branch similar to those now statutorily required by the executive branch.

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Most Recent Developments

The FY2006 legislative funding bill, H.R. 2985, was signed into P.L. 109-55 by President Bush on August 2, 2005.

Prior to House and Senate consideration of the FY2006 funding bill, Congress agreed to a FY2005 supplemental containing funds for salaries and expenses of the Capitol Police and for an interim congressional off-site delivery and screening facility and design of a permanent facility, funded within the budget of the Architect of the Capitol.

Introduction to the Legislative Branch Appropriations Bill

The annual legislative branch appropriations bill usually contains two titles. Appropriations for legislative branch agencies are contained in Title I. These entities, as they appear in the annual appropriations bill, are the Senate; House of Representatives; Joint Items;¹ Capitol Police; Office of Compliance; Congressional Budget Office; Architect of the Capitol, including the Capitol Visitor Center; Library of Congress, including the Congressional Research Service; Government Printing Office; Government Accountability Office; and Open World Leadership Program.

Title II contains general administrative provisions and, from time to time, appropriations for legislative branch entities. For example, Title II of the FY2003 Act contained funds for the John C. Stennis Center for Public Service Training and Development and the Congressional Award Act.

On occasion the bill may contain a third title for out of the ordinary legislation. For example, the pending House-passed version of the FY2006 legislative branch appropriations bill contains language providing for the continuity of congressional representation in the event of an emergency.

Changes in Structure of Legislative Branch Appropriations Bill Effective in FY2003

Congress changed the structure of the annual legislative branch appropriations bill effective in FY2003. Prior to enactment of the FY2003 bill, and effective in FY1978, the legislative branch appropriations bill was structured differently. Title I, Congressional Operations, contained budget authorities for activities directly serving Congress. Included in this title were the budgets of the Senate; House of Representatives; Joint Items; Office of Compliance; Congressional Budget Office; Architect of the Capitol, except funds for Library of Congress buildings and grounds; Congressional Research Service, within the Library of Congress; and congressional printing and binding activities of the Government Printing Office.

Title II, Related Agencies, contained budgets for activities considered by the Committee on Appropriations not to directly support Congress, including those for the Botanic Garden; Library

¹ Funded within the Joint Items account are the Joint Economic Committee; the Joint Committee on Taxation; the Office of Attending Physician; the Capitol Guide Service and Special Services Office; and Statements of Appropriations. The Special Services Office, within the Capitol Guide Service, provides accessible and sign language guided tours of the Capitol. The Statement of Appropriations account funds preparation of appropriations statements for each calendar year. These statements contain appropriations enacted, indefinite appropriations, authorized contracts, and a history of regular appropriations required by law.

of Congress (except the Congressional Research Service, which was funded in Title I); Library of Congress buildings and grounds maintained by the Architect of the Capitol; Government Printing Office (except congressional printing and binding costs, which was funded in Title I); and Government Accountability Office, formerly named the General Accounting Office. Periodically from FY1978 through FY2002 the annual legislative appropriations bill contained additional titles for such purposes as capital improvements and special one-time functions.

Activities and Programs Related to the Legislative Branch but Not Funded in the Legislative Branch Appropriations Bill

In addition to activities funded in the annual legislative branch appropriations bill, funds are contained in the legislative branch section of the *U.S. Budget* for other programs and entities. These include permanent budget authority for both federal and trust funds, and for non-legislative entities.

Permanent federal funds are available as the result of previously enacted legislation and do not require annual action.²

Permanent trust funds are monies held in accounts credited with collections from specific sources earmarked by law for a defined purpose. Trust funds do not appear in the annual legislative bill since they are not budget authority. They are included in the *U.S. Budget*, prepared by the Office of Management and Budget, either as budget receipts or offsetting collections.³

The *U.S. Budget* also contains non-legislative entities within the legislative branch budget. They are funded in other appropriation bills, but are counted as legislative branch funds by the Office of Management and Budget for bookkeeping purposes.⁴

For a more accurate picture of the legislative branch budget as contained in the annual legislative branch appropriation bill, the total legislative branch request of \$4.412 billion in the *FY2006 U.S. Budget* must be adjusted. This is accomplished by subtracting permanent federal and trust funds, non-legislative entities' funds, intergovernmental funds, and including offsetting receipts and intrafund transactions. After making these adjustments, the request for entities funded in the regular annual appropriation bill is \$4.028 billion.⁵

² FY2006 estimated legislative branch permanent federal fund authority is \$332 million, comprised of House member pay (\$93 million), Senate member pay (\$22 million); House and Senate use of foreign currencies (for use of Members traveling in foreign countries) (\$25 million); and Library of Congress payments to copyright owners (\$192 million). Source is the *FY2006 U.S. Budget* (with figures rounded to the nearest million).

³ FY2006 estimated permanent trust fund authority is \$38 million, comprised of Library of Congress gift and trust fund account (\$19 million); U.S. Tax Court trust fund (\$1 million); and "Other Legislative Branch Agencies" (\$18 million), including U.S. Capitol Preservation Commission trust funds (\$1 million), Open World Leadership trust fund (\$15 million), and John C. Stennis Center for Public Service Training and Development trust funds (\$2 million). Source is the *FY2006 U.S. Budget* (with figures rounded to the nearest million).

⁴ The *FY2006 U.S. Budget* contains \$56 million in federal funds for non-legislative entities under two headings: (1) "U.S. Tax Court" (\$49 million); and (2) "Other Legislative Branch Agencies, Legislative Branch Boards and Commissions" (\$7 million). Figures in the *FY2006 U.S. Budget* are rounded to the nearest million.

⁵ The figure was derived by (1) *subtracting* permanent federal funds (-\$332 million), permanent trust funds (-\$38 million), federal funds for non-legislative entities (-\$56 million), and intergovernmental funds (-\$7 million), and (2) *adding* intrafund transactions (+\$15 million), deductions made for offsetting receipts (+\$29 million in federal funds and \$+2 million in trust funds), and changes to the original estimate (+\$3 million).

Elimination of House Subcommittee on Legislative Branch in February 2005

Prior to the 109th Congress, the legislative branch appropriations bill was handled by the House Subcommittee on Legislative Branch, Committee on Appropriations. Under a House Appropriations Committee reorganization plan released on February 9, 2005, the subcommittee was abolished and its jurisdiction assumed by the full Appropriations Committee. Although changes were made in the structure of the Senate Committee on Appropriations, announced in March 2005, the Subcommittee on Legislative Branch was retained.

Table 1. Legislative Branch Appropriations, FY1995 - FY2005

(budget authority in billions of current dollars)

| Fiscal Years | | | | | | | | | | |
|--------------|-------|-------|-------|--------------------|--------------------|--------------------|--------------------|--------------------|--------------------|--------------------|
| 1995 | 1996 | 1997 | 1998 | 1999 | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 |
| 2.378 | 2.184 | 2.203 | 2.288 | 2.581 ^a | 2.486 ^b | 2.730 ^c | 3.252 ^d | 3.461 ^e | 3.528 ^f | 3.640 ^g |

Note: These figures represent current dollars, exclude permanent budget authorities, and contain supplementals and rescissions. Permanent budget authorities are not included in the annual legislative branch appropriations bill, but rather, are automatically funded each year.

- a. Includes budget authority contained in the FY1999 regular annual Legislative Branch Appropriations Act (P.L. 105-275), the FY1999 emergency supplemental appropriation (P.L. 105-277), and the FY1999 supplemental appropriation (P.L. 106-31).
- b. Includes budget authority contained in the FY2000 regular annual Legislative Branch Appropriations Act (P.L. 106-57); a supplemental and a 0.38% rescission in P.L. 106-113; and supplementals in P.L. 106-246 and P.L. 106-554.
- c. This figure contains: (1) FY2001 regular annual appropriations contained in H.R. 5657, legislative branch appropriations bill; (2) FY2001 supplemental appropriations of \$118 million and a 0.22% across-the-board rescission contained in H.R. 5666, miscellaneous appropriations bill; and (3) FY2001 supplemental appropriations of \$79.5 million contained in H.R. 2216 (P.L. 107-20). H.R. 5657 and H.R. 5666 were incorporated by reference in P.L. 106-554, FY2001 Consolidated Appropriations Act. The first FY2001 legislative branch appropriations bill, H.R. 4516, was vetoed Oct. 30, 2000. The second legislative branch appropriations bill, H.R. 5657, was introduced Dec. 14, 2000, and incorporated in P.L. 106-554. This figure does not reflect any terrorism supplementals funds released pursuant to P.L. 107-38.
- d. This figure contains regular annual appropriations in P.L. 107-68; transferred from the legislative branch emergency response fund pursuant to P.L. 107-117; and FY2002 supplemental appropriations in P.L. 107-206.
- e. This figure contains regular annual appropriations in P.L. 108-7, FY2003 Omnibus Appropriations Act, and supplemental appropriations in P.L. 108-11.
- f. This figure contains regular annual appropriations in P.L. 108-83, FY2004 Legislative Branch Appropriations Act. Additional FY2004 provisions which did not contain appropriations were contained in P.L. 108-199, the FY2004 Consolidated Appropriations Act.
- g. This figure contains regular annual appropriations in P.L. 108-447, Consolidated Appropriations Act, FY2005 (adjusted by a 0.80% rescission also contained in P.L. 108-447), and P.L. 109-13, FY2005 Emergency Supplemental.

Status of FY2006 Appropriations

Table 2. Status of Legislative Branch Appropriations, FY2006 (P.L. 109-55; H.R. 2985)

| Committee Markup | | House Report | House Passage | Senate Report | Senate Passage | Conference Report | Conference Report Approval | | Public Law |
|------------------|----------|-------------------------------|----------------------|------------------------------|---------------------------------|-------------------------------|----------------------------|--------------------|-------------------------|
| House | Senate | | | | | | House | Senate | |
| 06/16/05 | 06/23/05 | 06/20/05 (H.Rept. 109-139) | 06/22/05 (330-82) | 06/24/05 (S.Rept. 109-89) | 06/30/05 (unanimous consent) | 07/26/05 (H.Rept. 109-189) | 07/28/05 (305-122) | 07/29/05 (96-4) | P.L. 109-55 08/02/05 |

Action on the FY2006 Legislative Branch Appropriations Bill

Submission of FY2006 Budget Request on February 7, 2005

On February 7, 2005, the President submitted the *FY2006 U.S. Budget* containing \$4.028 billion in legislative branch budget authority, a 13.7% increase. A substantial part of the increase was requested by legislative branch entities is to meet (1) mandatory expenses, which include funding for annual salary adjustments required by law and related personnel expenses, such as increased government contributions to retirement based on increased pay, and (2) expenses related to increases in the costs of goods and services due to inflation.

In response to the request, some members of the Committees on Appropriations early on indicated the probability of a tight budget pursuant to agency revisions of their budget priorities.

On April 13, 2005, the chairman of the Senate Subcommittee on Legislative Branch, Committee on Appropriations, Senator Wayne Allard, stated that:

Clearly, in the constrained budget environment in which we will be operating, an increase of this level (over 13%) will be difficult if not impossible to provide. So we will be seeking to ensure that all agencies have prioritized their budget requests, are taking steps to operate as cost-effectively as possible, and are eliminating wasteful or unnecessary spending.⁶

On May 3, the chairman of the House Appropriations Committee, Representative Jerry Lewis, referred to the impossibility of providing requested funding in view of the President's 2.1% cap on FY2006 discretionary funding.⁷

Congressional Caps on FY2006 Legislative Branch Discretionary Funds

As required by law, both houses approved separate 302(b) budget allocations for legislative discretionary funds in FY2006. The House allocation of \$3.719 billion represents a 3.2% over the enacted FY2005 budget authority of \$3.605 billion, while the Senate's allocation of \$3.904 billion is an 8.3% increase.

⁶ Remarks of Chairman Wayne Allard, Senate Subcommittee on Legislative Branch, Committee on Appropriations, *Hearings on the FY2006 Budgets of the Secretary of the Senate and Architect of the Capitol*, 109th Cong., 1st sess, Apr. 13, 2005 (not yet printed).

⁷ Remarks of Chairman Jerry Lewis, House Committee on Appropriations, *Legislative Branch Appropriations for 2006*, hearings, part 2, 109th Cong., 1st sess, May 3, 2005 (Washington, GPO, 2005, p. 1).

As enacted into law, H.R. 2985 contained new discretionary budget authority of \$3.804 billion, exceeding the 302(b) allocation by \$85 million.

Senate Hearings on FY2006 Budget

The Senate Subcommittee on Legislative Branch, Committee on Appropriations, completed hearings on the FY2006 proposals of the Secretary of the Senate and the Architect of the Capitol (April 13, 2005), the Library of Congress, Congressional Research Service, Open World Leadership Center, and Government Accountability Office (April 19), and the Senate Sergeant at Arms and Capitol Police Board (April 27). On May 11 a hearing was held on requests of the Government Printing Office and Congressional Budget Office, and May 17, on the Capitol Visitor Center.

In addition to his comments on a “constrained budget environment,” Senator Wayne Allard, chairman of the Senate Subcommittee on Legislative Branch, considered the schedule and budget for completion of the Capitol Visitor Center to be of primary importance.

House Hearings on FY2006 Budget

The House Committee on Appropriations considered the request of the AOC during a 2 ½ hour May 3 hearing, which focused primarily on costs, completion deadlines, and space provisions of the CVC. Approval of obligation plans by the ranking minority member of the House Appropriations Committee, required for some work to proceed on the center, was temporarily halted by the member until further studies and decisions are made regarding the allocation of space in the center.

A second hearing was held by the committee May 23 on the budgets of the House of Representatives, Government Accountability Office, Library of Congress, and Congressional Research Service

House Markup of FY2006 Bill

On June 16, the full committee marked its version of the FY2006 bill at a 1.7% increase over current budget authority. Accounts are increased or reduced from current levels as follows: House of Representatives, +1.2%; Joint items, +5.4%; Capitol Police, -0.7%; Office of Compliance, +30.0%; Congressional Budget Office, +2.3%; Architect of the Capitol, +5.6%; Library of Congress, +1.4%; Congressional Research Service, +3.99%; Government Printing Office, +2.4%; Government Accountability Office, +3.3%; and Open World Leadership Center, +4.5%.

Two amendments introduced by Chairman Jerry Lewis were adopted during markup by voice vote:

- Manager’s amendment which authorizes a Governing Board for the Capitol Visitors Center, reinstates funds for the Open World Leadership Center Trust Fund, and contains other provisions.
- Amendment to insert language on continuity in representation, passed by the House earlier this year in separate legislation, at the end of the bill. The amendment contains rules for filling vacancies in the House of Representatives due to extraordinary circumstances, such as those caused by acts of terrorism.

House Report of the FY2006 Bill (H.R. 2985)

The House Appropriations Committee reported its marked version of H.R. 2985 on June 20, 2005 (H.Rept. 109-139), which contained \$2.870 billion, a 1.7% increase.⁸ The funding figure reflects an increase of \$4.0 million over the committee's pre-markup bill of \$2.865 billion. This \$4.0 million increase reflects the addition of \$14.0 million for reinstatement of the Open World Leadership Center and a rescission of \$10.0 million from the salaries and expenses account of the Library of Congress to be used to partially fund the center. Funds from the Library's account were originally made available for the National Digital Information Infrastructure and Preservation Fund for a copyright reengineering project.

House Passage of the House FY2006 Bill (H.R. 2985)

On June 23, the House passed H.R. 2985 (yea and nay vote, 330-82) after voting to reduce by \$5.4 million the congressional printing and binding account of the Government Printing Office (from \$88.09 million to \$82.69 million). The amended House bill, as passed, contained \$2.864 billion.

During consideration of H.R. 2985, the House took the following actions:

- rejected an Obey motion to recommit the bill to the Committee on Appropriations (recorded vote, 180-232);
- agreed to a Flake amendment to reduce the Government Printing and Binding budget by \$5.4 million in order to reduce the number of *Congressional Records* printed each day (voice);
- rejected a McHenry amendment to increase funding for general expenses of the Capitol Police (voice);
- rejected a Baird amendment to strike Title III, relating to the continuity in representation act (recorded vote, 143-268);
- rejected a JoAnn Davis (Virginia) amendment to strike the language in the bill which prohibited the Capitol Police from operating a mounted horse unit and required the transfer of current horses and equipment to the U.S. Park Police (recorded vote, 185-226); and,
- rejected a Hefley amendment to reduce the overall appropriations in the bill by 1.0% (recorded vote, 114-294).

Senate Report of the FY2006 Legislative Funding Bill (H.R. 2985)

The Senate Committee on Appropriations marked its version of H.R. 2985 and ordered the bill reported on June 23. As amended the committee's bill contains \$3.83 billion, including funds for House items. The Senate mark was a 6.4% increase over the current FY2005 budget.

The committee adopted the Allard amendment providing an additional \$80,000 to the Secretary of the Senate for a feasibility study of Senate staff.

It also agreed to the Byrd move to strike from the House version of the spending bill, Title III containing language on the continuity of representation in the House of Representatives in event of a major emergency.

⁸ The increase is based on the FY2005 funding level of \$2.823 billion (excluding Senate items).

Senate Passage of the FY2006 Bill (H.R. 2985)

The Senate approved H.R. 2985 as reported by the Senate Appropriations Committee, after agreeing to an amendment offered by Senator Allard (for Lott/Dodd). The amendment made \$800,000 available to the Librarian of Congress to pay telecommunications expenses of the rapid dissemination of periodicals and daily newspapers available to blind and physically handicapped readers. The amendment did not change the total new budget authority in the bill, since the money was made available from funds already provided for elsewhere in the bill. H.R. 2985 was agreed to on June 30 by unanimous consent.

Conference Action on the FY2006 Bill (H.R. 2985)

Conferees, who issued their report on July 26 (H.Rept. 109-189), retained a House-passed provision in Title III, which provides for expedited special elections to replace Members of the House of Representatives when 100 or more of the seats in the House are vacant due to “extraordinary circumstances.”⁹ Other actions by conferees are noted throughout this report.

Action on the FY2005 Supplemental Appropriation Bill (Capitol Police and Architect of the Capitol Funds)(P.L. 109-13)

Conferees on the FY2005 \$81 billion emergency supplemental bill, H.R. 1268, agreed to

- \$11.0 million for the Capitol Police, General Expenses;
- \$8.2 million for Architect of the Capitol, Capitol Grounds, to complete Capitol Square perimeter security;
- \$4.1 million for Architect of the Capitol, Capitol Police Buildings and Grounds;¹⁰
- \$162,100 for death gratuity payment to the spouse of a deceased Member of Congress (equal to one year’s salary); and
- \$39.0 million for the House of Representatives, Salaries and Expenses, to remain available until expended, for “House operations related to Business Continuity/Disaster Recovery, security and digital mail, and information system security.”¹¹

The Senate version of the supplemental contained \$23.3 million for the Capitol Police, Salaries and Expenses, and \$23 million for the Architect of the Capitol, Capitol Police Buildings and Grounds, for construction of an off-site delivery facility.¹² The Senate passed H.R. 1268 on April 21. The House version of H.R. 1268 did not contain a legislative branch supplemental.

⁹ H.R. 2985 incorporated the text of H.R. 841, the Continuity of Representation Act of 2005, introduced by Representative James Sensenbrenner, passed by the House on March 3, 2005; the measure had been placed on the Senate legislative calendar, but had not been called up for floor action.

¹⁰ U.S. Congress, Conference Committees, 2005, *Making Emergency Supplemental Appropriations for the Fiscal Year Ending September 30, 2005*, conference report to accompany H.R. 1268, H.Rept. 109-72, 109th Cong., 1st sess. (Washington: GPO, 2005), pp. 42-43 (Division A, Title III (Domestic Appropriations for the War on Terror), Chapter 4, (Legislative Branch).

¹¹ U.S. Congress, Conference Committees, 2005, *Making Emergency Supplemental Appropriations for the Fiscal Year Ending September 30, 2005*, conference report to accompany H.R. 1268, H.Rept. 109-72, 109th Cong., 1st sess. (Washington: GPO, 2005), pp. 141 (joint explanatory statement of the committee of conference).

¹² U.S. Congress, Senate Committee on Appropriations, *Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005*, report to accompany H.R. 1268, 109th Cong., 1st sess., S.Rept. 109-52 (Washington: GPO, 2005), p. 53 (Title III, Chapter 4).

Administrative provisions in the conference version of H.R. 1268:

- direct that fees for use of the House exercise facility be deposited in the House Services Revolving Fund, under the account House of Representatives, House Services Revolving Fund;
- provide technical corrections to provisions regarding the Library of Congress by changing references to the chair of the Subcommittee on Legislative Branch to the chair of the Committee on Appropriations of the House for membership on the Joint Committee on the Library and the Board of Trustees of the Open World Leadership Program (to reflect the abolishment of the House Subcommittee on Legislative Branch at the beginning of the 109th Congress); and
- eliminate the statutory requirement that the chair and ranking minority member of the House Appropriations Committee be required to approve the obligation of funds by the AOC for the CVC; the amendment requires approval by the House Appropriations Committee.¹³

The House approved the conference language on May 5, 2005, by a vote of 368-58. The Senate approved the conference report on May 10 (100-0).

FY2006 Legislative Branch Funding Issues

Capitol Complex Security—U.S. Capitol Police

Funding Issues

Congress provided \$249.46 million for the police, a 3.31% increase. The House bill contained \$239.7million, a reduction of 0.7% from the FY2005 budget authority of \$241.5 million, while the Senate version included \$264.6 million, an increase of 9.6%. The department's original request of \$290.1 million represented a 20.2% increase; however, in May 2005 the department received \$11.0 million of its request in the FY2005 supplemental (P.L. 109-13).¹⁴

Appropriations for the police are contained in two accounts:

- the *salaries account*, for which \$230.2 million was requested, a 14.1% increase; the House bill contained \$210.4 million; the Senate bill, \$222.6 million; and the conference report, \$217.46 million;
- the *general expenses account*, for which \$59.9 million was requested, a 109.2% increase; the House bill contained \$29.4 million; the Senate bill, \$42.0 million; and the conference report, \$32.0 million;

The salaries account contains funds for the salaries of employees, including overtime, hazardous duty pay differential, and government contributions for employee health, retirement, social security, professional liability insurance, and other benefit programs.

¹³ U.S. Congress, Conference Committees, 2005, *Making Emergency Supplemental Appropriations for the Fiscal Year Ending September 30, 2005*, conference reports to accompany H.R. 1268, H.Rept. 109-72, 109th Cong., 1st sess. (Washington: GPO, 2005), pp. 66 (Division A, Title VI (General Provisions and Technical Correction)).

¹⁴ Effective beginning in FY2003, appropriations for Capitol Police salaries and expenses accounts in the annual legislative branch appropriation bill are contained in a stand-alone account. Previously, the appropriation was contained within the joint items account. Also effective in FY2003, a new account was created for Capitol Police buildings and grounds within the Architect of the Capitol account.

The general expenses account contains funds for expenses of vehicles, communication equipment, security equipment and its installation, dignitary protection, intelligence analysis, hazardous material response, uniforms, weapons, training programs, medical, forensic, and communications services, travel, relocation of instructors for the Federal Law Enforcement Training Center, and other administrative and technical support, among other expenses.

A second appropriation relating to the Capitol Police appears within the Architect of the Capitol account for Capitol Police buildings and grounds. P.L. 109-55 contains \$14.9 million, an increase of 50.4%. While the House bill contained a 69.9% increase, or \$16.8 million, the Senate bill contained a 1.3% increase, or \$10.0 million, or a 1.3% increase. The Architect's request of \$35 million represented an increase of \$29.2 million (502.1%), with most of the funds (\$23.7 million) to remain available until September 30, 2010.

Language inserted by conferees:

- terminates the Capitol Police mounted horse unit, transferring horses and equipment to the U.S. Park Police;
- requires Capitol Police employees to file annual reports with the Clerk of the House pursuant to the Ethics in Government Act;
- establishes an Office of Inspector General of the Capitol Police;
- requires the Capitol Police to file semiannual reports on disbursements;
- extends authority of the Capitol Police to fill vacancies on the Library of Congress police force with Capitol Police officers;
- directs the Government Accountability Office (GAO) to review Capitol Police overtime usage;
- waives repayment of certain overtime compensation "incorrectly paid" and "encourages the Capitol Police Board to work closely with the Committee on House Administration and the Senate Committee on Rules and Administration to address any further issues [on its authority to provide overtime and compensatory pay to certain employees] which may arise from [a pending opinion of GAO];¹⁵
- directs GAO to report on police management of the truck interdiction program (the program was not repealed as proposed by the House); and
- directs the Capitol Police chief to "implement a structured internal control program" and to submit a report outlining improvements in internal controls by October 1, 2005.

FY2005 Capitol Police Supplemental (P.L. 109-13)

Conferees on the FY2005 \$81 billion emergency supplemental bill, H.R. 1268, agreed to additional funding for the Capitol Police of \$11.0 million for the General Expenses account, and additional funding of \$4.1 million for the Architect of the Capitol, Capitol Police Buildings and Grounds account.¹⁶ The supplemental was signed into P.L. 109-13 on May 11, 2005.

¹⁵ U.S. Congress, Conference Committees, 2005, *Making Appropriations for the Legislative Branch for the Fiscal Year Ending September 30, 2006, and For Other Purposes*, conference report to accompany H.R. 2985, H.Rept. 109-189, 109th Cong., 1st sess. (Washington: GPO, 2005), p. 33.

¹⁶ U.S. Congress, Conference Committees, 2005, *Making Emergency Supplemental Appropriations for the Fiscal Year Ending September 30, 2005*, conference report to accompany H.R. 1268, H.Rept. 109-72, 109th Cong., 1st sess. (Washington: GPO, 2005), pp. 42-43 (Division A, Title III (Domestic Appropriations for the War on Terror), Chapter

The Senate version of the supplemental contained \$23.3 million for the Capitol Police, Salaries and Expenses account, including (1) \$10.0 million for Capitol Police salaries to allow hiring of up to 50 officers “to ensure adequate coverage of all existing and new posts,”¹⁷ and (2) \$13.3 million for emergency security requirements.¹⁸ Some of the funds were to be held in a reserve fund to meet future emergencies. The bill also contained \$23 million for the Architect of the Capitol, Capitol Police Buildings and Grounds, for construction of an off-site delivery facility.¹⁹

The House version of H.R. 1268 did not contain funds for the Capitol Police.

As originally submitted by the Capitol Police, the FY2005 supplemental request was \$59.5 million, which included \$36.5 million for the salaries account “to provide for workforce staffing and overtime resources to support law enforcement, security, emergency preparedness, screening, interdiction, and hazardous material/device response operations.” The additional money funded “overtime, hazardous duty pay differential, and Government contributions for health, retirement, social security, professional liability insurance, and other applicable employee benefits.”²⁰

The remainder of the supplemental request, \$23.0 million, provided additional funds to the Capitol Police general expenses account for “emergency expenses for the security of the United States Capitol complex” and for “the continuance of operational capabilities, assets, and services to support the mission of protecting the Legislative Branch.”²¹

Capitol Complex Security—Capitol Visitor Center (CVC)²²

FY2006 Funding Request

The legislative branch budget request submitted for inclusion in the President’s FY2006 budget included an additional \$36.9 million for the CVC project, and \$35.285 million for CVC operations costs, of which \$19.991 million was to remain available until September 30, 2010. The request included the following caveat: “That the Architect of the Capitol may not obligate any of the funds which are made available for the Capitol Visitor Center project without an obligation plan approved by the Committee on Appropriations of the Senate and House of Representatives.”²³ Also, included in FY2006 legislative branch budget request was \$9.965

4, (Legislative Branch).

¹⁷ U.S. Congress, Senate Committee on Appropriations, *Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005*, report to accompany H.R. 1268, 109th Cong., 1st sess., S.Rept. 109-52 (Washington: GPO, 2005), p. 53 (Title III, Chap. 4). See press release of the Senate Committee on Appropriations on Apr. 6, 2005, <http://appropriations.senate.gov/hearings/05SuppMark04-06-05.htm>.

¹⁸ H.R. 1268 passed the Senate on April 21.

¹⁹ U.S. Congress, Senate Committee on Appropriations, *Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005*, report to accompany H.R. 1268, 109th Cong., 1st sess., S.Rept. 109-52 (Washington: GPO, 2005), p. 53 (Title III, Chapter 4).

²⁰ U.S. Office of Management and Budget (OMB), Letters to the President and Speaker of the House of Representatives from the director of OMB, Mar. 2, 2005, containing a request from the legislative branch for a Capitol Police FY2005 supplemental appropriation http://www.whitehouse.gov/omb/budget/amendments/supplemental_3_2_05.pdf.

²¹ Ibid.

²² This section on the Capitol Visitor Center was contributed by Stephen W. Stathis, Specialist in American National Government, Government and Finance Division.

²³ U.S. Office of Management and Budget, *Budget of the United States Government, Fiscal Year 2006: Appendix* (Washington: GPO, 2005), p. 127.

million for “supplies, materials, and other costs relating to the House portion of Expenses for the Capitol Visitor Center ... to remain available until expended.”²⁴

Senate Hearings

The Subcommittee on Legislative Branch, Senate Committee on Appropriations, held a number of hearings during which the status of the CVC was discussed.

April 2005

During an April 13, 2005, hearing, Architect of the Capitol Alan M. Hantman emphasized the General Accountability Office had concluded that approximately 75% of the increased costs of the CVC were largely beyond his control. He went on to innumerate several factors that had increased the cost of the center.²⁵ Together, Hantman explained, these unanticipated aspects of the project, as well as a number of others identified early, have prompted the GAO to now project that the cost of the CVC could reach \$515 million.²⁶

May, June, and July 2005

On May 17, June 14, and July 14, 2005, the Senate Appropriations Subcommittee on the Legislative Branch, chaired by Senator Wayne Allard, held hearings on the progress of the Capitol Visitor Center. Chairman Allard has indicated that he intends to continue to hold monthly hearings on the center. Much of the focus of all three oversight hearings thus far held by the subcommittee has been reports by GAO on the progress of the project. GAO’s work on the center was performed in response to requests from the Capitol Preservation Commission and as directed by the conference report of the Omnibus Consolidated and Emergency Supplemental Appropriations Act (H.Rept. 105-825) and the conference report on the Legislative Branch Appropriations Act, 2004 (H.Rept. 108-279)²⁷

²⁴ U.S. Office of Management and Budget, *Budget of the United States Government, Fiscal Year 2006: Appendix*, (Washington: GPO, 2005), p. 17.

²⁵ Among the factors cited by Hantman were costs associated with completing the House and Senate expansion spaces, which were originally envisioned as unfinished “shell space,” and nearly two dozen design changes have resulted in major renovations of the Capitol’s air conditioning, heating, and ventilation systems, as well as security enhancements mandated by Congress following the 2001 terrorists attacks. In addition, there has been: a significant increase in the cost of building materials, which was 22% in just the past year; a reduction in competitive bidding because there are so many other projects under construction in the District of Columbia, and contractors bidding on a phase of the center must factor in the added hassle and loss of time prompted by security checks of workers as well as vehicles entering the site; a Buy America requirement that precluded the option of bidding for stonework on the international market at a savings of approximately \$10 million; and a commitment to using better-quality materials when cheaper materials might have been appropriate for another project. Testimony of Alan M. Hantman, Architect of the Capitol, in U.S. Congress, Senate Committee on Appropriations, Subcommittee on the Legislative Branch, *Overview of the FY2006 Budget for the Secretary of the Senate and the Architect of the Capitol*, hearing, 109th Cong., 1st sess., Apr. 13, 2005 (not yet published).

²⁶ Testimony of Alan M. Hantman, Architect of the Capitol, in U.S. Congress, Senate Committee on Appropriations, Subcommittee on the Legislative Branch, *Overview of the FY2006 Appropriations: Budget for the Secretary of the Senate and Architect of the Capitol*, hearings, 109th Cong., 1st sess., Apr. 13, 2005 (not yet published). See also Jennifer Yachnin, “CVC’s Last Stages May Go Into 2007,” *Roll Call*, Apr. 14, 2005, pp. 3, 15.

²⁷ U.S. Congress, Conference Committees, 1998, *Making Omnibus Consolidated and Emergency Supplemental Appropriations for Fiscal Year 1999*, conference report to accompany H.R. 4328, 105th Cong., 2nd sess., H.Rept. 105-825 (Washington: GPO, 1998), pp. 1529; and U.S. Congress, Conference Committee, 2003, *Making Appropriations for the Legislative Branch for Fiscal Year Ending September 30, 2004, and For Other Purposes*, conference report to accompany H.R. 2657, 108th Cong., 1st sess., H.Rept. 108-279 (Washington: GPO, 2003), pp. 48-49.

May 2005

At the May 2005 hearing, David M. Walker, GAO Comptroller General, told the subcommittee that cost overruns and other problems could increase the price tag of the CVC to “between \$552 million and \$559 million, significantly more than originally estimated.” While he emphasized that a “majority of the delays and cost increases were largely outside of AOC’s control,” he did say “[t]he weaknesses in AOC’s schedule and contract management activities have contributed to a portion of the delays and cost overruns.”²⁸

Also, GAO’s “analysis of the CVC worker safety data shows that injury and illness rate for 2003 was about 50 percent higher for the CVC than for comparable construction sites and that the rate for 2004 was about 30 percent higher than 2003.”²⁹ Walker continued by stressing that “a number of [AOC] monthly reports to Congress, in our view, have not fully and fairly reflected the project’s construction schedules and costs and in some cases have not included accurate worker safety data. This has led to certain expectation gaps within Congress.” While the “AOC’s current scheduled completion date for the CVC is now September 2005,” GAO concluded, “that given past problems and future risks and uncertainties that the completion date may be delayed until sometime between December 2006 and March 2007.”³⁰

To “help prevent further schedule delays, control cost growth and enhance worker safety,” GAO reasoned, the “AOC urgently needs to give priority attention to managing the project’s construction schedules and contracts, including those contract provisions that address worker safety.” Such “actions are imperative if further cost growth, schedule delays, and worker safety problems are to be avoided. AOC also needs to see that it reports accurate information to Congress on the project.” Additionally, “decisions by the Congress will have to be made regarding the additional funding needed to complete construction and to address any related risk and uncertainties that may arise.”³¹

AOC Alan M. Hantman, in response to questions from subcommittee members, stated that he felt the CVC could be completed by September 2006, except for the extension space. Hantman’s projection was supported by Bob Hixon, CVC project director. Hantman also indicated that the “completion date for the expansion space contractually is March 18, 2007.” Both Walker and Hixon told the subcommittee that CVC contractors had taken a number of actions to promote and manage site safety.³²

²⁸ Walker summarized the cost overruns in the following manner: “Of the project’s estimated cost increase, about \$147 million is due to scope changes, such as the addition of the House and Senate expansion spaces. About \$45 million are attributed to other factors that are partially or outside the ability of AOC to control, such as higher than expected bids on the sequence two contract, due in part to some unexpected conditions below ground. And about \$58 million are due to factors that were somewhat more within the AOC’s ability to control, such as delays.” Testimony of David M. Walker, Comptroller General, Government Accountability Office, U.S. Congress, Senate Committee on Appropriations, Subcommittee on the Legislative Branch, *Overview of the FY2006 Appropriations: Legislative Branch*, hearing, 109th Cong., 1st sess., May 17, 2005 (not yet published). See also Susan Crabtree, “Senators Criticize Pace, Price of Visitor Center Work; GAO Eyes 2007 Opening,” *CQ Today*, May 18, 2005, p. 4; and Jennifer Yachnin, “Walker Predicts Higher Cost, Delays for CVC,” *Roll Call*, May 18, 2005, pp. 3, 24.

²⁹ Testimony of David M. Walker, *Overview of the FY2006 Appropriations: Legislative Branch*, hearing, May 17, 2005.

³⁰ Testimony of David M. Walker, *Overview of the FY2006 Appropriations: Legislative Branch*, hearing, May 17, 2005.

³¹ Testimony of David M. Walker, Comptroller General, Government Accountability Office, U.S. Congress, Senate Committee on Appropriations, Subcommittee on the Legislative Branch, *Overview of the FY2006 Appropriations: Legislative Branch*, hearing, 109th Cong., 1st sess., May 17, 2005 (not yet published).

³² Testimony of David M. Walker, Comptroller General, Government Accountability Office; Alan M. Hantman,

June 2005

Senate appropriators learned in June 2005 that Manhattan Construction Co., the Sequence 2 contractor for the CVC, had met only three of the 11 “significant milestones” scheduled for completion by that date. Despite these setbacks, AOC Hantman told the Senate Subcommittee on the Legislative Branch that he still expected the center to be completed by September 2006. CVC project manager Bob Hixon also felt that while the project was slightly off schedule, the Architect was determined to complete the center on schedule. It would, however, Hantman acknowledged at the hearing, cost additional money to get the project back on schedule. Hantman did not provide an estimate of the additional funding needed to meet the scheduled completion date.³³

Bernard Ungar, Director of Physical Infrastructure Issues at the Government Accountability Office, was less optimistic in his prepared testimony. Ungar told the Senate Subcommittee the Legislative Branch that “largely because of past problems and risks and uncertainties that face the [Capitol Visitor Center] project, we continue to believe that the project is more likely to be completed in the December 2006 to March 2007 time frame than in September 2006, as shown in AOC’s schedule.” While the “AOC and its construction management contractor have,” Ungar emphasized, “continued their efforts to address two of the areas we identified during the Subcommittee’s May 17 CVC hearing as requiring priority attention,” the Architect “has not yet developed risk mitigation plans or, as the Subcommittee requested, prepared a master schedule that integrates the major steps needed to complete construction with the steps needed to prepare for operations.” He was concerned that the “stacking of activities toward the end” will prevent them from finishing the project on time.³⁴

“Until recently,” Ungar explained, “AOC did not have funding to continue contractual support it had been receiving to help plan and prepare for CVC operations.” As a consequence, GAO continues “to believe ... that the project’s estimated cost at completion will be between \$522 million and \$559 million, and that, as we indicated during the May 17 hearing, AOC will likely need as much as \$37 million more than it has requested to cover risks and uncertainties to complete the project.” It was GAO’s belief, “that most of these additional funds will be needed in fiscal years 2006 and 2007, although exactly how much will be needed at any one time is not clear.” GAO recommended that in the fall of 2005, “AOC update its estimate of the cost to complete the project.”³⁵

Architect of the Capitol; and Bob Hixon, CVC project manager, U.S. Congress, Senate Committee on Appropriations, Subcommittee on the Legislative Branch, *Overview of the FY2006 Appropriations: Legislative Branch*, hearing, 109th Cong., 1st sess., May 17, 2005 (not yet published).

³³ Testimonies of Bernard L. Ungar, Director of Physical Infrastructure Issues, Government Accountability Office; Alan M. Hantman, Architect of the Capitol; and Bob Hixon, Capitol Visitor Center project manager, U.S. Congress, Senate Committee on Appropriations, Subcommittee on the Legislative Branch, *Capitol Visitor Center*, hearing, 109th Cong., 1st sess., June 14, 2005 (not yet published). See also Jackie Kucinich, “GAO: 8 CVC Deadlines Missed,” *The Hill*, June 15, 2005, p. 4; and Jennifer Yachnin, “Agencies Split Over CVC Progress,” *Roll Call*, June 15, 2005, p. 6.

³⁴ Testimony of Bernard L. Ungar, Director of Physical Infrastructure Issues, Government Accountability Office, U.S. Congress, Senate Committee on Appropriations, Subcommittee on the Legislative Branch, June 14, 2005; and U.S. Government Accountability Office, *Capitol Visitor Center: Effective Schedule Management and Updated Cost Information Are Needed*, GAO-05-811T (Washington: June 14, 2005), pp. 1-2.

³⁵ Testimony of Bernard L. Ungar, Director of Physical Infrastructure Issues, Government Accountability Office, U.S. Congress, Senate Committee on Appropriations, Subcommittee on the Legislative Branch, June 14, 2005. U.S. Government Accountability Office, *Capitol Visitor Center: Effective Schedule Management and Updated Cost Information Are Needed*, GAO-05-811T (Washington: June 14, 2005), p. 2.

July 2005

Several new challenges Senate appropriators were told at a July 14, 2005 hearing, could further delay completion of the Capitol Visitor Center, and result in increased expenditures as well. Because of current problems, “past problems, remaining risks and uncertainties, and the number of activities that are not being completed on time,” Terrell Dorn, GAO Assistant Director for Physical Infrastructure Issues, explained, “we continue to believe that the project is more likely to be completed in the December 2006 to March 2007 time frame than in September 2006.”³⁶

Dorn indicated “AOC and its construction management contractor [had] continued their efforts” to respond to two recommendations GAO “made to improve the project’s management—having a realistic, acceptable schedule and aggressively monitoring and managing adherence to that schedule.” Further improvement, however, still needed to be made. Dorn also reiterated GAO’s belief “that the project’s estimated cost at completion will be between \$522 million and \$559 million,” and “AOC will likely need as much as \$37 million more than it has requested to cover risks and uncertainties to complete the project.”³⁷

During the next several months, Dorn emphasized, AOC will likely face “competing demands for funds that can be used for either CVC construction or operations.” Given this reality, “it will be important for AOC to ensure that the available funds are optimally used.” Also, GAO was “concerned that AOC may incur costs to open the facility to the public in September 2006 that it would not incur if it postponed the opening until after the construction work is more or fully complete—that is, in March 2007, according to AOC’s estimates.”³⁸

House Hearing

While much of the attention at the 2005 Senate hearings focused the overall construction and cost of the Capitol Visitor Center, a considerable portion of the discussion at a May 3, 2005, House Appropriations Committee hearing focused on the specifics of the unfinished House office space in the center. Representative David Obey of Wisconsin, ranking minority member of the committee, expressed concern “that the space we’re getting seems to be almost all show and very little workspace.” He questioned “that mix,” and asked whether the House was “getting the space” it needed, and “even at this late date, isn’t there any way that we can get more usable space.” As he “saw it,” the House was “getting only one room that is a public hearing room.”³⁹ Other House Members expressed concerns over the escalating cost of the center, which the

³⁶ Testimony of Terrell Dorn, Assistant Director of Physical Infrastructure Issues, U.S. Government Accountability Office, U.S. Congress, Senate Committee on Appropriations, Subcommittee on the Legislative Branch, July 14, 2005 (not yet published). See also: U.S. Government Accountability Office, *Capitol Visitor Center: Update on Status of Project’s Schedule and Costs*, GAO-05-910T (Washington: July 14, 2005), p. 2.

³⁷ Testimony of Terrell Dorn, Assistant Director of Physical Infrastructure Issues, U.S. Government Accountability Office, U.S. Congress, Senate Committee on Appropriations, Subcommittee on the Legislative Branch, July 14, 2005 (not yet published). See also U.S. Government Accountability Office, *Capitol Visitor Center: Update on Status of Project’s Schedule and Costs*, GAO-05-910T (Washington: July 14, 2005), p. 2.

³⁸ Testimony of Terrell Dorn, Assistant Director of Physical Infrastructure Issues, U.S. Government Accountability Office, U.S. Congress, Senate Committee on Appropriations, Subcommittee on the Legislative Branch, July 14, 2005 (not yet published). See also: U.S. Government Accountability Office, *Capitol Visitor Center: Update on Status of Project’s Schedule and Costs*, GAO-05-910T (Washington: July 14, 2005), pp. 2-3.

³⁹ Testimony of Rep. David R. Obey, U.S. Congress, House Committee on Appropriations, *FY2006 Appropriations: Legislative Branch*, hearing, 109th Cong., 1st sess., May 3, 2005 (not yet published). See also Jennifer Yachnin, “Obey Blocking CVC Plan,” *Roll Call*, May 4, 2005, pp. 1, 15; and Jackie Kachinic, “AOC Questioned on the House Expansion,” *The Hill*, May 4, 2005, p. 4.

Architect of the Capitol Hantman testified is expected to reach \$517 million by the time the structure is completed.⁴⁰

Although the Architect of the Capitol at several points during the hearing stated that the current plans had been reviewed and received approval from the House Office Building Commission, which includes the Speaker, House majority, and House minority leader, Representative Obey made it clear he intended to oppose the project unless changes were made.⁴¹ By virtue of a provision included in FY2002 Legislative Branch Appropriations Act, Representative Obey could have blocked this phase of the project. As enacted, PL. 107-68 prohibited the Architect of the Capitol from obligating funds for the House expansion space within the center without the approval of the chair and ranking minority member of the House Appropriations Committee.⁴²

In subsequent action, the House on May 5, and the Senate on May 10, approved language in the conference report on the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005, that struck the “chair and ranking minority member” requirement in the FY2002 Legislative Branch Appropriations Act. That language was included in PL. 109-13, which was signed into law on May 11, 2005.⁴³

Committee Consideration of FY2006 CVC Funding

House Appropriations Committee

On June 16, 2005, the House Committee on Appropriations marked up and ordered reported its version of the FY2006 legislative branch funding bill. On a voice vote, the panel approved a draft spending bill that provided \$36.9 million for the CVC project. The House figure was considerably less than the \$72.2 million requested by the AOC, and did not provide any of the \$35.285 million originally requested by the Architect for the center’s operations.⁴⁴

⁴⁰ U.S. Congress, House Committee on Appropriations, *FY2006 Appropriations: Legislative Branch*, hearing, 109th Cong., 1st sess., May 3, 2005 (not yet published).

⁴¹ Testimony of Rep. David R. Obey, U.S. Congress, House Committee on Appropriations, *FY2006 Appropriations: Legislative Branch*, hearing, 109th Cong., 1st sess., May 3, 2005 (not yet published).

⁴² The Legislative Branch Appropriations Act, 2002 stipulated: “That the Architect of the Capitol may not obligate any of the funds which are made available for the Capitol Visitor Center under this Act or any other Act without an obligation plan approved by the chair and ranking minority member of the Committee on Appropriations of the House of Representatives for House space and the Committee on Appropriations of the Senate for Senate space.” P.L. 107-68; 115 Stat. 588, Nov. 12, 2001.

⁴³ U.S. Congress, Conference Committees, 2005, *Making Emergency Supplemental Appropriations for the Fiscal Year Ending September 30, 2005*, conference report to accompany H.R. 1268, H.Rept. 109-72, 109th Cong., 1st sess. (Washington: GPO, 2005), p. 66 (Division A, Title VI, General Provisions and Technical Corrections, Sec. 6049). The House agreed to the conference report on May 5, 2005, by a 368 to 58 vote. “Conference Report on H.R. 1268, Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief Act, 2005,” *Congressional Record*, daily edition, vol. 151, May 5, 2005, pp. H2997-H3027. The Senate agreed to the conference report on May 10, 2005, by a 100 to 0 vote. “Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief Act, 2005—Conference Report,” *Congressional Record*, daily edition, vol. 151, May 10, 2005, pp. S4806-S4849; and PL. 109-13 (Division A, Title VI, General Provisions and Technical Correction, Sec. 6049). See also Jennifer Yachnin, “Obey Loses Veto Authority Over Visitor Center,” *Roll Call*, May 9, 2005, pp. 3, 20.

⁴⁴ U.S. Congress, House Committee on Appropriations, *Legislative Branch Appropriations Bill, 2006*, report to accompany H.R. 2985, 109th Cong., 1st sess., H.Rept. 109-139 (Washington: GPO, 2005), pp. 20-21, 40. The original request of \$35.285 million was subsequently revised by the Architect to \$24.355 million. *Ibid.*, p. 20.

The House Appropriations Committee also included in the draft bill, \$3.41 million in FY2006 for the House portion of expenses related to the CVC. This figure represented a \$6.555 million reduction from the requested amount of \$9.965 million. These funds were to be used for “carpeting, furnishings, wiring, and audio/visual requirements.” In addition, the House bill contained a provision (Section 1203) establishing a “‘Capitol Visitor Center Governing Board’ to address the issue of daily operations of the Visitor Center.”⁴⁵

Senate Appropriations Committee

On June 24, 2005, the Senate Appropriations Committee reported its version of the FY2006 legislative branch funding bill. The approved language provided \$41.9 million for the CVC project, excluding Visitor Center operations. Senate appropriators in their report on H.R. 2985 emphasized that because the GAO felt the “amount requested by the Architect [\$36.9 million] is unlikely to be sufficient to complete the CAC,” the committee added \$5 million “to the budget based on GAO’s recommendation.” Also, since the schedule September 2006 opening of center was “likely to be delayed well beyond the time frame on which budget estimates for operations were predicted,” Senate appropriators reduced the budget for Visitor Center operations from the requested \$35.3 million to \$2.3 million.⁴⁶ The Senate version of H.R. 2985 did not contain the House provision for a “Capitol Visitor Center Governing Board.”

Floor Consideration of FY2006 CVC Funding

House

By a 330 to 82 vote, the House passed H.R. 2985, the FY2006 legislative branch bill on June 22, 2005. The House version of the spending bill, as approved, provided \$36.9 million for the CVC project budget, and \$3.41 million for the House portion of expenses related to the center. The bill approved by the House also contained a provision (Section 1203) establishing a “Capitol Visitor Center Governing Board” that would be responsible for “establishing the policies which govern the operations of the center, consistent with applicable law.”⁴⁷

Senate

On June 30, 2005, the Senate amended and passed H.R. 2985 by Unanimous Consent, and then insisted on its amendments and requested a conference with the House.⁴⁸ The Senate version of H.R. 2985 called for \$41.9 million for the CVC project, and \$2.3 million for center operating

⁴⁵ U.S. Congress, House Committee on Appropriations, *Legislative Branch Appropriations Bill, 2006*, report to accompany H.R. 2985, 109th Cong., 1st sess., H.Rept. 109-139 (Washington: GPO, 2005), pp. 9, 20, 40; and U.S. Office of Management and Budget, *Budget of the United States Government, Fiscal Year 2006: Appendix*, “Detailed Budget Estimates—Legislative Branch” (Washington: GPO, 2005), p. 17.

⁴⁶ U.S. Congress, Senate Committee on Appropriations, *Legislative Branch Appropriations, 2006*, report to accompany H.R. 2985, 109th Cong., 1st sess., H.Rept. 109-89 (Washington: GPO, 2005), pp. 33-34. The original request of \$35.285 million for CVC operations was subsequently revised by the Architect to \$24.355 million. U.S. Congress, House Committee on Appropriations, *Legislative Branch Appropriations Bill, 2006*, report to accompany H.R. 2985, 109th Cong., 1st sess., H.Rept. 109-139 (Washington: GPO, 2005), p. 20.

⁴⁷ “Providing for Consideration of H.R. 2985, Legislative Branch Appropriations Act, 2006,” *Congressional Record*, daily edition, vol. 151, June 22, 2005, pp. H4936-H4937, H4947, H4949.

⁴⁸ “Legislative Branch Appropriations Act, 2006,” *Congressional Record*, daily edition, v. 151, June 30, 2005, pp. S7739-S7749.

costs. The Senate language also authorized the Architect of the Capitol to appoint an Executive Director of the Capitol Visitor Center.⁴⁹

Conference Committee Report CVC Language

A little less than a month later, House and Senate conferees on July 26, 2005, in their report on H.R. 2985, recommended an appropriation of “\$44.2 million for the Capitol Visitor Center, as proposed by the Senate, instead of \$36.9 million as proposed by the House.” This figure included \$41.9 million for the center project, and \$2.3 million for the center’s operations budget. The report also called for \$3.4 million for and \$3.41 million for other costs related to the House portion of expenses for the center. Conferees deleted the House language establishing a “Capitol Visitor Center Governing Board” to handle the center’s daily activities was deleted by conferees, as well as the Senate language authorizing the Architect of the Capitol to appoint an executive director for the center.⁵⁰

Final Action on FY2006 CVC Appropriations

On July 28, 2005, the House by a vote of 305 to 122 concurred with the conference report FY2006 appropriation figures for the Capitol Visitor Center. The Senate followed suit on July 29, 2005, by a 96 to 4 margin. H.R. 2985, then became P.L. 109-55 on August 2, 2005, with President Bush’s signature.⁵¹

Application of Performance Standards to Legislative Branch Agencies

During hearings on the FY2006 legislative budget, Senator Wayne Allard, chairman of the Senate Subcommittee on Legislative Branch, expressed his desire to apply performance standards to legislative branch entities, similar to those required of executive branch agencies.⁵² He expressed his desire for some action to be taken by agencies before his consideration of the FY2007 budget in early 2006.

Consequently, Senate report language on the FY2006 legislative funding bill reaffirms the Senate Appropriations Committee’s support of the application to some degree of executive branch performance standards to legislative branch agencies. Language in the general statement section of the report reads:

The Committee supports the applicability of many Government Performance and Results Act [GPRA] principles to the Legislative Branch. GPRA encourages greater efficiency,

⁴⁹ “Legislative Branch Appropriations Act, 2006,” *Congressional Record*, daily edition, v. 151, June 30, 2005, pp. S7745-S7746.

⁵⁰ The U.S. Congress, Conference Committees, 2005, *Making Appropriations for the Legislative Branch for Fiscal Year Ending September 30, 2006*, conference report to accompany H.R. 2985, H.Rept. 109-189, 109th Cong., 1st sess. (Washington: GPO, 2005), p. 37. See also *Ibid.*, pp. 6, 15.

⁵¹ “Conference Report on H.R. 2985, Legislative Branch Appropriations Act, 2006,” *Congressional Record*, daily edition, vol. 151, July 28, 2005, pp. H7023-H7031; “Legislative Branch Appropriations for Fiscal Year 2006—Conference Report,” *Congressional Record*, daily edition, v. 151, July 29, 2005, pp. S9334-S9335, S9373; and P.L. 109-55, 119 Stat. : Aug. 2, 2005.

⁵² Remarks of the Chairman Wayne Allard, Senate Subcommittee on Legislative Branch, Committee on Appropriations, *Hearings on the FY2006 Budgets of the Library of Congress, Congressional Research Service, Open World Leadership Center, and the Government Accountability Office*, 109th Cong., 1st sess, Apr. 19, 2005 (not yet printed).

effectiveness, and accountability in Federal spending, and requires agencies to set goals and use performance measures for management and budgeting. While most Legislative Branch agencies have developed strategic plans, several agencies have not effectively dealt with major management problems and lack reliable data to verify and validate performance. While Legislative Branch agencies are not required to comply with GPRA, the Committee believes the spirit and intent of the Results Act should be applied to these agencies. The Committee intends to monitor agencies' progress in developing and implementing meaningful performance measure, describing how such measures will be verified and validated, linking performance measures to day-to-day activities, and coordinating across "sister" agencies. The Committee directs all legislative branch agencies to submit their plans for achieving this goal within 90 days of enactment of this Act.⁵³

Architect of the Capitol Operations

The AOC is responsible for the maintenance, operation, development, and preservation of the United States Capitol Complex, which includes the Capitol and its grounds; House and Senate office buildings; Library of Congress buildings and grounds; Capitol Power Plant; Botanic Garden; Capitol Visitors Center; and Capitol Police buildings and grounds. The Architect is responsible for the Supreme Court buildings and grounds, but appropriations for their expenses are not contained in the legislative branch appropriations bill.

Funding Levels

Conferees agreed to an 18.3% increase (\$66.3 million) in the AOC's operations, compared with the proposed 44.8% increase. The Architect requested \$506.5 million in new budget authority, an increase of \$156.6 million from the FY2005 budget authority of \$349.9 million.⁵⁴ His request contained \$72.2 million in new budget authority for the CVC, which was not authorized new budget authority in FY2005.⁵⁵

The \$66.3 million increase is due primarily to fund construction of book storage modules for the Library of Congress (\$40.7 million) and the operating and project budgets of the CVC (\$44.2 million). Five accounts of the AOC were reduced from FY2005 levels.

Earlier, the House approved a 5.6% increase for AOC operations, providing \$317.3 million, *excluding funds for Senate office buildings* which are determined by the Senate. The Senate subsequently approved \$427.2 million, an 18.9% increase, *including appropriations for both Senate and House office buildings*.

Operations of the Architect are funded in the following ten accounts: general administration; Capitol building; Capitol grounds; Senate office buildings; House office buildings; Capitol power plant; Library buildings and grounds; Capitol Police buildings and grounds; Capitol Visitors Center, and Botanic Garden.

⁵³ U.S. Congress, Senate Committee on Appropriations, *Legislative Branch Appropriations, 2006*, report to accompany H.R. 2985, 109th Cong., 1st sess., S.Rept. 109-89 (Washington: GPO, 2005), p. 3.

⁵⁴ This request reflects that submitted to the President before a FY2005 supplemental was signed into law (P.L. 109-13).

⁵⁵ Although Congress did not appropriate funds for the CVC in FY2005, it authorized the transfer of \$10.6 million to the CVC account.

Highlights of Senate Hearing on FY2006 Budget of the AOC

During his testimony, the AOC, Alan Hantman, stated that his request funded not only regular operations and renovation projects, with an emphasis on security, but also a number of major projects. Among these projects are the CVC, construction of Library of Congress storage modules, construction of a Capitol Police off-site delivery center, upgrades of fire and life safety services, completion of fire egress renovations, and installation of perimeter security measures.⁵⁶

When questioned about the priority of projects within his request, Hantman responded that this year, for the first time, his operations are subject to a capitol improvements process (CIP) in which projects are ranked on issues of fire and life safety, physical security, historic preservation, mission impact, and expenses. If cuts had to be made, Hantman said, he would start at the bottom of the ranking. Chairman Allard then asked the Architect to provide his list of rankings and to give thought ahead of time to making cuts.⁵⁷

Capitol Police Buildings and Grounds

This AOC account received a FY2005 supplemental appropriation in addition to new FY2006 money.

FY2005 Supplemental Appropriation for Off-Site Delivery Facility (P.L. 109-13)

Conferees on the FY2005 \$81 billion emergency supplemental bill, H.R. 1268, agreed to \$4.1 million for Architect of the Capitol, Capitol Police Buildings and Grounds account, for the design of an off-site delivery facility.⁵⁸

The Senate version of H.R. 1268 contained \$23 million for Capitol Police Buildings and Grounds,⁵⁹ but did not contain funds for Capitol Grounds. The Senate passed H.R. 1268 on April 21. The House version of H.R. 1268 did not contain a legislative branch supplemental.

The \$23 million was requested by the Capitol Police Board on February 7, 2005, for construction of an off-site delivery facility. Committee report language reads:⁶⁰

The Committee believes this project is a very high priority and expects the Architect to move expeditiously to complete this facility in a timely manner. The Committee notes that this project has been a top priority for USCP since 1999. It has become an urgent requirement owing to construction of the new baseball stadium which will force USCP to relocate this facility within the year.

⁵⁶ Testimony of the Architect of the Capitol, Alan Hantman, Senate Subcommittee on Legislative Branch, Committee on Appropriations, *Hearings on the FY2006 Budgets of the Secretary of the Senate and Architect of the Capitol*, 109th Cong., 1st sess, Apr. 13, 2005 (not yet printed).

⁵⁷ Ibid.

⁵⁸ U.S. Congress, Conference Committees, 2005, *Making Emergency Supplemental Appropriations for the Fiscal Year Ending September 30, 2005*, conference report to accompany H.R. 1268, H.Rept. 109-72, 109th Cong., 1st sess. (Washington: GPO, 2005), pp. 42-43 (Division A, Title III (Domestic Appropriations for the War on Terror), Chapter 4, (Legislative Branch).

⁵⁹ U.S. Congress, Senate Committee on Appropriations, *Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005*, report to accompany H.R. 1268, 109th Cong., 1st sess., S.Rept. 109-52 (Washington: GPO, 2005), p. 53 (Title III, Chapter 4).

⁶⁰ U.S. Congress, Senate Committee on Appropriations, *Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005*, report to accompany H.R. 1268, 109th Cong., 1st sess., S.Rept. 109-52 (Washington: GPO, 2005), p. 53 (Title III, Chap. 4).

FY2006 Appropriation

Conferees agreed to \$14.9 million for expenses associated with Capitol Police facilities, representing an increase of 50.4% over the current budget. The new budget authority contains \$9.8 million for the operating budget and \$5.0 million for the purchase of a vehicle maintenance facility.

The conference agreement is in lieu of the House proposal of \$16.8 million (an increase of 69.9% over the current level (which included a \$4.1 million FY2005 supplemental) and the Senate proposal of \$10.0 million, a 1.3% increase. Senate appropriators indicated their funding decision reflected an elimination of construction funding for an off-site screening facility, until a design study was completed, and the cost to lease space for the Capitol Police was revised.⁶¹

Perimeter Security, FY2005 Supplemental (P.L. 109-13)

The Architect of the Capitol received a FY2005 supplemental of \$8.2 million for the capitol grounds account to complete Capitol Square perimeter security.⁶²

House of Representatives

Overall Funding

For its internal operations, the House requested \$1.128 billion, an increase of 4.5%, when counting the FY2005 supplemental. As passed by the House and Senate, the House operations funding level is \$1.1 billion, an increase of 1.2%.

House Committee Funding

Funding for House committees, for which \$143.6 million was requested, is contained in the appropriation heading “committee employees” that comprises two subheadings.

The first subheading contains funds for personnel and nonpersonnel expenses of House committees, except the Appropriations Committee, as authorized by the House in a committee expense resolution. The FY2006 request of \$117.9 million (an increase of 3.9%) was agreed to by the House and conferees.

The second subheading contains funds for the personnel and nonpersonnel expenses of the Committee on Appropriations, for which \$25.7 million was requested (a 3.9% increase) and approved by the House and conferees.

Administrative Language

The House continues language requiring that any unspent FY2005 funds appropriated for Members’ representation allowances (for staff and office operations) be used for deficit reduction.

⁶¹ U.S. Congress, Senate Committee on Appropriations, *Legislative Branch Appropriations, 2006*, report to accompany H.R. 2985, 109th Cong., 1st sess., S.Rept. 109-89 (Washington: GPO, 2005), p. 32.

⁶² U.S. Congress, Conference Committees, 2005, *Making Emergency Supplemental Appropriations for the Fiscal Year Ending September 30, 2005*, conference report to accompany H.R. 1268, H.Rept. 109-72, 109th Cong., 1st sess. (Washington: GPO, 2005), pp. 42-43 (Division A, Title III (Domestic Appropriations for the War on Terror), Chapter 4, (Legislative Branch)).

Senate

Overall Funding

Although the Senate requested \$823.1 million for its internal operations, an increase of \$102.9 million (14.3 %) over the prior year's funding level of \$720.2 million, the Senate Committee on Appropriations approved a 9.1% increase.

Among offices and activities, other than committees, receiving increases are those for

- official personnel and office expenses of individual Senators, including funds for mandatory increases (9.2%);
- salaries of officers and their employees (9.1%); and
- Sergeant at Arms operations, including security and an upgrade of the Senate telecommunications system (11.7%).

Senate Committee Funding

Appropriations for Senate committees are contained in two accounts:

- the *inquiries and investigations account*, containing funds for all Senate committees except Appropriations, for which \$119.6 million was made available, an 8.8% increase, the same as requested; and
- the *Committee on Appropriations account*, for which \$13.8 million was approved, an increase of 3.4%, also the same as requested.

Other Senate Provisions

P.L. 109-55 contains the following Senate-passed provisions, which

- provide \$80,000 to the Secretary of the Senate for a study of Senate employment trends, and the pay, hiring, and benefits practices of Senators; and
- eliminate statutory language approved in 1865 requiring Senators to submit excuses for absences from the Senate.

Highlights of Hearing on FY2006 Budget of the Secretary of the Senate

On April 13, the Senate Subcommittee on Legislative Branch held a hearing on the request of the Secretary of the Senate, Emily Reynolds, for \$23 million, a 7.0% increase. Chairman Allard, in his opening remarks, noted the adjustment primarily met pay and inflation-related increases and some upgrades. The Secretary testified the request represented \$21 million for salaries and related expenses and \$1.9 million for operational costs.

Among activities addressed during her testimony were operations of the legislative department; implementation of a Financial Management Information System in the financial office; the role of the Senate Library in putting its complete catalog of 158,000 items on the Senate's Webster Intranet; and the ability of the Legislative Information Systems (LIS) staff to produce 75% of this year's bills and resolutions as XML documents.

Support Agency Funding

Congressional Budget Office (CBO)

CBO is a nonpartisan congressional agency created to provide objective economic and budgetary analyses requested by law and by members of the House and Senate Committees on Budget and Committees on Appropriations, House Committee on Ways and Means, and other committees, and by Members of Congress.

Conferees agreed to the House-approved funding level of \$35.45 million, a 2.3% increase, less than the level approved by the Senate, \$35.85 million, or 3.5% over current funding.

CBO requested \$35.9 million, an increase of \$1.2 million (3.5%), most of which was to meet mandatory pay and related costs. These expenses account for approximately 90% of CBO's budget. The agency requested \$1.59 million for mandatory pay and related costs and \$81,000 for price-level changes, but with the two requests combined to be offset by \$70,000 in recurring costs and \$388,000 in changes in programs, projects, and activities changes.⁶³

The FY2006 request supported a staff of 235 FTEs, the same level as FY2005. Report language did not indicate the staff level supported.

Library of Congress (LOC)

LOC provides research support for Congress through a wide range of services, from research on public policy issues to general information. Among its major programs are acquisitions; preservation; legal research for Congress and other federal entities; administration of U.S. copyright laws by the Copyright Office; research and analyses of policy issues by the Congressional Research Service; and administration of a national program to provide reading material to the blind and physically handicapped. The Library also maintains a number of collections and provides a range of services to libraries in the United States and abroad.

Congress approved a new appropriation of \$560.57 million and authority to spend an additional \$42.3 million derived from off-setting collections. The new appropriation reflects a rescission of \$6.86 million, from \$567.42 million approved by conferees,⁶⁴ and represents a 2.8% increase over current funding. The new appropriation is 4.0% less than the agency's request, greater than the new appropriation of \$542.95 million approved by the House, which was a decrease of 0.4% (due to a rescission of \$15.5 million in the bill), and less than the \$579.6 million mark in the Senate bill, which represented an increase of 6.3%.

The Library requested (1) a net appropriation of \$590.8 million, an increase of \$45.4 million (8.3%); and (2) authority to use funds generated from receipts received by the Library of \$37.0 million.⁶⁵ Its FY2006 budget request supported a staff level of 4,365 FTEs, an increase of 74 FTEs from the FY2005 level of 4,291, for collections acquisition and preservation, security, information technology, and management of facilities.

FY2006 new budget authorities for the Library's accounts are

⁶³ The \$388,000 offset includes a \$354,000 reduction in information technology accounts.

⁶⁴ The rescission was made from funds made available for the National Digital Information Infrastructure and Preservation Program for the multi-year Copyright Reengineering Project.

⁶⁵ An example of receipts are fees paid to the LOC for copyright registration.

- salaries and expenses – \$389.4 million (and authority to spend an additional \$6.35 million in receipts);
- Copyright Office – \$22.66 million (and authority to spend an additional \$35.95 million in receipts);
- Congressional Research Service – \$101.92 million; and
- Books for the Blind and Physically Handicapped – \$54.45 million.

The total funding approved in conference for the above four accounts was \$567.42 million, subject to the \$6.86 million rescission.

The FY2006 budget also provides for

- a staff level of 4,302 FTEs, a net increase of 11 FTEs;
- statutory authority for the Office of Inspector General in the Library;
- funding of \$15.2 million for the National Audio-Visual Conservation Center to operate and staff the center's new digital preservation system; and
- authorization and funding of \$5.86 million for the Digital Collections and Educational Curricula Program.

An additional \$40.7 million for construction of storage modules at Fort Meade, MD, is contained in the budget of the Architect of the Capitol in the Library Buildings and Grounds account.

Highlights of Senate Hearing on FY2006 Budget of the LOC

In response to a question from Chairman Allard on the Library's budget priorities, Librarian of Congress, James Billington, referred to the continuation of acquisition and preservation of materials, maintenance of basic services, and construction of storage projects, including the National Audio-Visual Conservation Center in Culpepper, Virginia, and book modules at Ft. Meade, MD. The Ft. Meade facility construction request of \$41 million is contained in the request of the Architect of the Capitol.⁶⁶

Chairman Allard also questioned the Librarian's \$4 million request to hire 45 new Library police officers, even though a merger of Library police with the Capitol Police was pending. The Deputy Librarian, Donald Scott, explained the merger had experienced delays and in the meantime the Library faced a growing police shortage. The Librarian, he said, did not have authority to hire additional officers. The Librarian continues to maintain that he needs to be allowed to retain control over collections security subsequent to the pending merger.

Congressional Research Service (CRS)

CRS works exclusively for Members and committees of Congress to support their legislative and oversight functions by providing nonpartisan and confidential research and policy analysis.

Conferees agreed to a budget of \$100.92 million, a 4.99% increase over current funding, in lieu of \$99.95 million contained in the House bill and \$101.8 million in the Senate version. The agency's request of \$105.3 million represented an increase of \$9.2 million (9.5%) over FY2005 budget authority of \$96.1 million. Fifty-six percent of the requested \$9.2 million increase (\$5.1 million)

⁶⁶ Remarks of the Librarian of Congress, James Billington, Senate Subcommittee on Legislative Branch, Committee on Appropriations, *Hearings on the FY2006 Budgets of the Library of Congress, Congressional Research Service, Open World Leadership Center, and the Government Accountability Office*, 109th Cong., 1st sess, Apr. 19, 2005 (not yet printed).

was required to meet mandatory pay and related pay costs, such as the annual cost-of-living increase for staff and related adjustments in employer-paid benefits, as well as inflationary adjustments for annual price level increases supporting the acquisition of goods and services used in the day-to-day business operations of the Service. This portion of the funding request was the agency's top priority, since personnel expenses account for 88% of its budget.

The remainder of the \$9.2 million increase (\$4.6 million) was to fund two requests. First, CRS was seeking a one-time budget base adjustment of \$3.6 million to enable the agency to regain and sustain its authorized staff level of 729 FTEs. Without the \$3.6 million adjustment, the agency will be limited to about 700 FTE positions for FY2005 and subsequent years. This request was based on budget shortfalls due to the lack of adequate funds over the past ten years to meet fully mandatory pay; the rising costs of employer-paid retirement benefits due to a growing proportion of the workforce participating in the more expensive FERS; and the cumulative impact of a number of rescissions.

Second, CRS requested \$1.0 million to counter the rising cost of research material and to expand its collection of electronic research materials, including (1) an expansion of currently acquired material to all CRS desktops; (2) the addition of a number of electronic products, such as PIERS, which provides statistics on exports and imports and cargo shipments (to enhance container security analysis); (3) an addition of prescription drug pricing proprietary databases; and (4) the use of *Bloomberg LP*, which provides financial data and analysis. Both houses agreed to \$500,000 for increased research expenses, in lieu of the \$1.0 million request.

Conferees retained House language that in effect reopens the agency's involvement in assisting parliaments of emerging nations. Senate language had directed CRS to determine resources required to meet this role.

Senate report language directs CRS to work with the Secretary of the Senate on the feasibility of studying Senate salaries.

Government Accountability Office (GAO)

The nonpartisan GAO works for Congress by responding to requests for studies of federal government programs and expenditures. The agency also conducts audits and evaluations of executive branch programs at the request of the executive branch. Formerly the General Accounting Office, the agency was renamed the Government Accountability Office effective July 7, 2004.

Conferees agreed to a direct appropriation of \$482.40 million, the same level of funding approved by the House, and less than the \$484.38 million passed by the Senate. The conference figure represents an increase of 3.3% over the FY2005 level. Both bills contained \$7.2 million in offsetting collections from rents received for space in GAO buildings and reimbursements from financial audits of government corporations. Both house also funded a staff level of 3,215 FTEs.

The agency's request contained (1) a direct appropriation of \$486.4 million, which reflects an increase of \$19.2 million (4.1%) from its FY2005 budget authority of \$467.2 million, and (2) authority to use \$7.2 million from offsetting collections derived from rent income and reimbursable audit work.

GAO's total budget request, with offsetting collection authority included, was \$493.6 million, an increase of \$19.0 million from \$474.6 million made available in FY2005. The additional money primarily was to pay for mandatory pay costs (\$20.8 million), since GAO's salary and related costs are 80% of its budget. The remainder of the request included \$1.4 million to meet price level increases; provided \$899,000 for controllable costs (for example, recruiting and transit

subsidy costs, among others); and allowed for an offset of -\$4.1 million from non-recurring FY2005 costs.

Highlights of Senate Hearing on FY2006 Budget of GAO

In response to a question on the agency's ability to meet expectations with increasing mandates and a flat staff level, the Comptroller General, David Walker, responded that the agency will continue its responsibility to committees, subcommittees, and leadership, while limiting its work in response to non-leadership requests. Walker also noted that GAO's funding requests for the current and three most recent years primarily assisted the agency in keeping up with inflation.⁶⁷

In another response to Chairman Allard's expressed desire to apply performance standards to the legislative branch, Walker noted the agency voluntarily complies with the Government Performance and Results Act (GPRA), which applies to executive branch departments and agencies.

Government Printing Office (GPO)

As passed by the House, H.R. 2985 contains \$117.1 million for the Government Printing Office, and as passed by the Senate, \$126.9 million. The conference agreement contains \$123.4 million, a 3.04% increase.

The agency's FY2006 request contained \$131.1 million, up 9.5% (\$11.3 million) from FY2005. GPO's budget authority is contained in three accounts: (1) congressional printing and binding; (2) Office of Superintendent of Documents (salaries and expenses); and (3) the revolving fund. The conference-approved budget authorities and changes from the FY2005 funding levels are

- *Congressional printing and binding*—\$88.1 million, the same as the current funding level and less than the \$92.3 million request;
- *Office of Superintendent of Documents (salaries and expenses)*—\$33.3 million, an increase of 5.2% and less than the request of \$33.8 million;
- *Revolving Fund*—\$2.0 million; funds were not made available to the fund for FY2005.

The congressional printing and binding account pays for expenses of printing and binding required for congressional use, and for statutorily authorized printing, binding, and distribution of government publications for specified recipients at no charge. Included within these publications are the *Congressional Record*; *Congressional Directory*; Senate and House Journals; memorial addresses of Members; nominations; *U.S. Code* and supplements; serial sets; publications printed without a document or report number, for example laws and treaties; envelopes provided to Members of Congress for the mailing of documents; House and Senate business and committee calendars; bills, resolutions and amendments; committee reports and prints; hearings; and other documents.

The Office of Superintendent of Documents account funds the mailing of government documents for Members of Congress and federal agencies, as statutorily authorized; the compilation of catalogs and indexes of government publications; and the cataloging, indexing, and distribution of

⁶⁷ Remarks of the Comptroller General, David Walker, Government Accountability Office, Senate Subcommittee on Legislative Branch, Committee on Appropriations, *Hearings on the FY2006 Budgets of the Library of Congress, Congressional Research Service, Open World Leadership Center, and the Government Accountability Office*, 109th Cong., 1st sess, Apr. 19, 2005 (not yet printed).

government publications to the Federal Depository and International Exchange libraries, and other individuals and entities, as authorized by law.

GPO'S revolving fund request of \$5.0 million funds the agency's transition to a digital system by defining workforce needs, assessing current workforce capabilities, identifying the agency's needs, and establishing training programs to meet those needs. The House approved \$1.2 million in funding for workforce retraining. The Senate funded the requested \$5.0 million for workforce development.

Other Funding

Office of Compliance

The Office of Compliance is an independent and nonpartisan agency within the legislative branch, established to administer and enforce the Congressional Accountability Act enacted in 1995 (P.L. 104-1, 109 Stat. 3).⁶⁸ The act applies business and federal government employment and workplace safety laws to Congress and certain legislative branch entities.⁶⁹

The FY2006 budget request for operations of the Office of Compliance was \$2.64 million, a decrease of \$221,000 (9%) from last year's appropriation of \$2.42 million. Conferees agreed to \$3.1 million, as contained in both the House and Senate versions of the bill.

Open World Leadership Center

The center administers a program that supports democratic changes in other countries by giving their leaders opportunity to observe democracy and free enterprise in the United States. The first program was authorized by Congress in 1999 to support the relationship between Russia and United States. The program encouraged young federal and local Russian leaders to visit the United States and observe its government and society.

A permanent center, named the Center for Russian Leadership Development, was established at the Library of Congress in 2000, and renamed the Open World Leadership Center in 2003, when the program was expanded to include eleven other countries and three Baltic republics. In 2004, Congress further extended the program's eligibility to other countries designated by the center's Board of Trustees, subject to congressional consideration. The center is housed in the Library and receives services from the Library through an inter-agency agreement.

For its FY2006 operations budget, the center requested \$14.0 million, a change of \$608,000 (+4.6%) from \$13.4 million made available for FY2005. Both the House and the Senate Committees on Appropriations approved the requested amount.

⁶⁸ The act applies twelve civil rights, labor, and workplace safety laws to Congress and certain legislative branch agencies. These laws include Age Discrimination in Employment Act; Americans with Disabilities Act; Title VII of the Civil Rights Act of 1964; Employee Polygraph Protection Act; Fair Labor Standards Act; Family and Medical Leave Act; Federal Services Labor-Management Relations Act; Occupational Safety and Health Act of 1970; Rehabilitation Act of 1970; Veterans' employment and reemployment rights at Chapter 43 of Title 38 of the U.S. Code; Worker Adjustment and Retraining Act; and Veterans Employment Opportunities Act.

⁶⁹ Among the Office's activities are administration of a dispute resolution process; investigation and enforcement of occupational safety and health and disability provisions of the act; investigation of labor relations and enforcement of applicable provisions; and development of educational programs regarding the act's provisions.

John B. Stennis Center for Public Service Training and Development

The center was created by Congress in 1988 to encourage public service by congressional staff through training and development programs. Senate language providing \$430,000 was agreed to by conferees.

Table 3. Legislative Branch Appropriations, FY2006 (P.L. 109-55; H.R. 2985)

(in thousands of dollars)

| Entity | FY2005 Enacted (with .8% rescission/ supp) ^a | FY2006 Request | FY2006 House Bill | FY2006 Senate Bill | FY2006 Conference |
|--|---|-------------------|------------------------------|------------------------------|----------------------|
| Title I: Legislative Branch Appropriations | | | | | |
| Senate | \$720,194 | \$823,048 | — ^b | 785,549 | 785,549 |
| House of Representatives | 1,079,354 | 1,127,817 | 1,092,407 | 1,092,407 ^c | 1,100,907 |
| Joint Items | 18,887 | 19,730 | 19,900 | 19,730 | 19,730 |
| Capitol Police ^d | 241,469 | 290,139 | 239,695 | 264,600 | 249,456 |
| Office of Compliance | 2,402 | 3,112 | 3,112 | 3,112 | 3,112 |
| Congressional Budget Office | 34,640 | 35,853 | 35,450 | 35,853 | 35,450 |
| Architect of the Capitol | 362,200 | 506,480 | 317,282 ^e | 427,212 ^f | 428,478 |
| Library of Congress, Including CRS | 545,362 | 590,795 | 542,950 | 579,562 | 560,566 |
| Congressional Research Service, Lib. of Cong. | (96,118) | (105,289) | (99,952) | (101,755) | (100,916) |
| Congressional Printing Office | 119,787 | 131,120 | 117,227 | 126,927 | 123,427 |
| Government Accountability Office | 467,205 | 486,383 | 482,395 | 484,383 | 482,395 |
| Open World Leadership Center ^g | 13,392 | 14,000 | 14,000 | 14,000 | 14,000 |
| Stennis Center for Public Service | 0 | 0 | 0 | 430 | 430 |
| Senate Emergency Funds (P.L. 109-13, sec. 6050) | 35,000 | 0 | 0 | 0 | 0 |
| Title II: General Provisions | 0 | 0 | 0 | 0 | 0 |
| Total Legislative Branch (Titles I and II) | 3,639,892 | 4,028,177 | 2,864,418^h | 3,833,765ⁱ | 3,803,500 |

Source: House Committee on Appropriations (Rep. Jerry Lewis, remarks in the House, *Congressional Record*, daily edition, vol. 151, July 28, 2005, pp. H7023-H7028).

a. FY2005 funds are contained in P.L. 108-447, Consolidated Appropriations Act, FY2005, and P.L. 100-13, Emergency Supplemental Appropriations, FY2005.

b. The House does not consider appropriations for internal Senate operations.

c. Although the Senate does not consider appropriations for internal House operations, the House budget, as passed by the House, is counted in the Senate bill.

d. This account was effective with the FY2003 Legislative Branch Appropriation Act. Previously, Capitol Police funds were contained under the joint items account.

e. The House does not consider appropriations for Senate office buildings contained in the budget of the Architect of the Capitol.

- f. Although the Senate does not consider appropriations for House office buildings, which are contained in the budget of the Architect of the Capitol, the House figure, as passed by the House, is counted in the Senate bill. The Senate does not consider appropriations for House Office buildings.
- g. The center was named the Russian Leadership Program prior to FY2004. Appropriations represent payments to the center's trust fund.
- h. This figure does contain funds for internal Senate operations, which are funded in a separate account, or for Senate office buildings, which are contained in the budget of the Architect of the Capitol. The Senate determines funding levels of these two accounts.
- i. Although the Senate does not consider funds for internal House operations, which are funded in a separate account, or for House office buildings, which are contained in the budget of the Architect of the Capitol, these funds are counted in the Senate bill. The House determines the funding levels of these two accounts.

Table 4. Capitol Police Appropriations, FY2006 (P.L. 109-55; H.R. 2985)

(in thousands of dollars)

| Accounts | FY2005 Enacted (with .8%rescission/ supp) ^a | FY2006 Request | FY2006 House Bill | FY2006 Senate Bill | FY2006 Conference |
|------------------------------|---|-------------------|----------------------|-----------------------|----------------------|
| Salaries, Capitol Police | 201,812 | \$230,191 | 210,350 | 222,600 | 217,456 |
| General Expenses | 39,657 | 59,948 | 29,345 | 42,000 | 32,000 |
| Total, Capitol Police | 241,469 | 290,139 | 239,695 | 264,600 | 249,456 |

Source: House Committee on Appropriations (Rep. Jerry Lewis, remarks in the House, *Congressional Record*, daily edition, vol. 151, July 28, 2005, pp. H7023-H7028).

a. FY2005 funds are contained in P.L. 108-447, Consolidated Appropriations Act, FY2005, and P.L. 109-13, Emergency Supplemental Appropriations, FY2005.

Table 5. Architect of the Capitol Appropriations, FY2006 (P.L. 109-55; H.R. 2985)

(in thousands of dollars)

| Accounts | FY2005 Enacted (with .8%rescission/ supp) ^a | FY2006 Request | FY2006 House Bill | FY2006 Senate Bill | FY2006 Conference |
|--|--|-------------------|----------------------------|----------------------------|----------------------|
| Architect of the Capitol | | | | | |
| General administration | \$79,704 | 76,982 | 77,002 | 76,522 | 76,812 |
| Capitol building | 28,626 | 27,105 | 22,097 | 25,380 | 23,352 |
| Capitol Grounds | 15,118 | 7,801 | 7,723 | 7,061 | 7,511 |
| Senate office buildings | 61,586 | 65,564 | — ^b | 67,004 | 67,004 |
| House office buildings | 64,830 | 68,698 | 59,616 | 59,616 ^c | 59,616 |
| Capitol power plant | 56,379 | 59,255 | 58,585 | 58,817 | 58,685 |
| Library buildings and grounds | 39,776 | 83,318 | 31,318 | 70,948 | 68,763 |
| Capitol Police buildings and grounds | 9,906 | 34,959 | 16,830 | 10,031 | 14,902 |
| Botanic garden | 6,275 | 10,613 | 7,211 | 7,633 | 7,633 |
| Capitol Visitor Center | 0 | 72,185 | 36,900 | 44,200 | 44,200 |
| Project | 0 | (36,900) | (36,900) | (41,900) | (41,900) |
| Operations | 0 | (35,285) | (0) | (2,300) | (2,300) |
| Total, Architect of the Capitol | 362,200 | 506,480 | 317,282^d | 427,212^e | 428,478 |

Source: House Committee on Appropriations (Rep. Jerry Lewis, remarks in the House, *Congressional Record*, daily edition, vol. 151, July 28, 2005, pp. H7023-H7028).

a. FY2005 funds are contained in P.L. 108-447, Consolidated Appropriations Act, FY2005, and P.L. 109-13, Emergency Supplemental Appropriations, FY2005.

b. The House does not consider appropriations for Senate office buildings.

- c. Although the Senate does not consider the appropriation for House office buildings, the appropriation is counted in the Senate bill. The House determines the level of funding.
- d. This figure does not consider appropriations for Senate office buildings.
- e. Although the Senate does not consider the appropriation for House office buildings, the appropriation is counted in the Senate bill. The House determines the level of funding.

Table 6. Senate Appropriations, FY2006 (P.L. 109-55; H.R. 2985)

(in thousands of dollars)

| Accounts^a | FY2005 Enacted (with .8% rescission/ supp)^b | FY2006 Request | FY2006 House Bill | FY2006 Senate Bill | FY2006 Conference |
|---|---|---------------------------|------------------------------|-------------------------------|------------------------------|
| Expense Allowances and Representation | 225 | 225 | — | 225 | 225 |
| Salaries, Officers, and Employees | 134,840 | 148,163 | — | 147,120 | 147,120 |
| Office of Legislative Counsel | 5,152 | 5,437 | — | 5,437 | 5,437 |
| Office of Legal Counsel | 1,265 | 1,306 | — | 1,306 | 1,306 |
| Expense Allowances for Secretary of Senate, et al. | 24 | 24 | — | 24 | 24 |
| Contingent Expenses (subtotal) | 578,688 | 667,893 | — | 631,437 | 631,437 |
| Inquiries and Investigations | 110,000 | 119,637 | — | 119,637 | 119,637 |
| Senate Intl. Narcotics Caucus | 520 | 520 | — | 520 | 520 |
| Secretary of the Senate ^c | 1,700 | 1,900 | — | 1,980 | 1,980 |
| Sergeant at Arms/Doorkeeper ^d | 127,182 | 162,225 | — | 142,000 | 142,000 |
| Miscellaneous Items | 18,326 | 18,326 | — | 17,000 | 17,000 |
| Senators' Official Personnel and Office Expense Account | 320,660 | 364,985 | — | 350,000 | 350,000 |
| Official Mail Costs | 300 | 300 | — | 300 | 300 |
| Total, Senate | 720,194 | 823,048 | — | 785,549 | 785,549 |

Source: House Committee on Appropriations (Rep. Jerry Lewis, remarks in the House, *Congressional Record*, daily edition, vol. 151, July 28, 2005, pp. H7023-H7028).

- a. The Senate account contains seven appropriations headings, which are highlighted in bold.
- b. FY2005 funds are contained in P.L. 108-447, Consolidated Appropriations Act, FY2005, and P.L. 109-13, Emergency Supplemental Appropriations, FY2005.
- c. Office operations of the Office of the Secretary of the Senate are also funded under "Salaries, Officers, and Employees."
- d. Activities of the Office of Sergeant at Arms and Doorkeeper are also funded under "Salaries, Officers, and Employees."

Table 7. House of Representatives Appropriations, FY2006 (P.L. 109-55; H.R. 2985)

(in thousands of dollars)

| Accounts^a | FY2005 Enacted (with .8% rescission/ supp)^b | FY2006 Request | FY2006 House Bill | FY2006 Senate Bill | FY2006 Conference |
|--|---|---------------------------|------------------------------|-------------------------------|------------------------------|
| Payments—Heirs of Deceased Members of Congress | 162 | 0 | 0 | 0 | 0 |
| Salaries and Expenses, Total | 1,079,354 | 1,127,817 | 1,092,407 | 1,092,407 | 1,100,907 |
| House Leadership Offices | 18,678 | 19,844 | 19,844 | 19,844 | 19,844 |
| Members' Representational Allowances^c | 525,195 | 564,536 | 538,109 | 538,109 | 542,109 |
| Committee Employees (subtotal)^d | 138,225 | 143,581 | 143,581 | 143,581 | 143,581 |
| Standing Committees, Special and Select, except Appropriations | 113,499 | 117,913 | 117,913 | 117,913 | 117,913 |
| Appropriations Committee | 24,726 | 25,668 | 25,668 | 25,668 | 25,668 |
| Salaries, Officers, and Employees (subtotal) | 187,744 | 170,177 | 167,749 | 167,749 | 172,249 |
| Office of the Clerk | 20,534 | 21,911 | 21,911 | 21,911 | 21,911 |
| Office of the Sergeant at Arms | 5,879 | 6,284 | 6,284 | 6,284 | 6,284 |
| Office of Chief Administrative Officer | 143,645 | 119,804 | 116,971 | 116,971 | 121,471 |
| Office of Inspector General | 3,986 | 3,991 | 3,991 | 3,991 | 3,991 |
| Office for Emergency Planning, Preparedness, and Operations | 1,000 | 5,000 | 5,000 | 5,000 | 5,000 |
| Office of General Counsel | 962 | 962 | 962 | 962 | 962 |
| Office of the Chaplain | 155 | 161 | 161 | 161 | 161 |
| Office of the Parliamentarian | 1,673 | 1,767 | 1,767 | 1,767 | 1,767 |
| Office of the Law Revision Counsel | 2,346 | 2,453 | 2,453 | 2,453 | 2,453 |
| Office of the Legislative Counsel | 6,721 | 6,963 | 6,963 | 6,963 | 6,963 |
| Office of Interparliamentary Affairs | 687 | 720 | 720 | 720 | 720 |
| Other Authorized Employees: Technical Assistants, Office of Attending Physician | 156 | 161 | 161 | 161 | 161 |
| Office of Historian | 0 | 0 | 405 | 405 | 405 |

| Accounts ^a | FY2005 Enacted (with .8% rescission/ supp) ^b | FY2006 Request | FY2006 House Bill | FY2006 Senate Bill | FY2006 Conference |
|--|---|-------------------|----------------------|-----------------------|----------------------|
| Allowances and Expenses (subtotal) | 209,350 | 229,679 | 223,124 | 223,124 | 223,124 |
| Supplies, Materials, Administrative Costs and Federal Tort Claims | 4,350 | 4,179 | 4,179 | 4,179 | 4,179 |
| Official Mail for committees, leadership, administrative and legislative offices | 410 | 410 | 410 | 410 | 410 |
| Government Contributions | 203,900 | 214,422 | 214,422 | 214,422 | 214,422 |
| Capitol Visitor Center | 0 | 9,965 | 3,410 | 3,410 | 3,410 |
| Miscellaneous Items | 690 | 703 | 703 | 703 | 703 |
| House of Representatives, Total | 1,079,354 | 1,127,817 | 1,092,407 | 1,092,407 | 1,100,907 |

Sources: House Committee on Appropriations (Rep. Jerry Lewis, remarks in the House, *Congressional Record*, daily edition, vol. 151, July 28, 2005, pp. H7023-H7028).

- a. The appropriations bill contains two House accounts: (1) payments to widows and heirs of deceased Members of Congress and (2) salaries and expenses.
- b. FY2005 funds are contained in P.L. 108-447, Consolidated Appropriations Act, FY2005, and P.L. 109-13, Emergency Supplemental Appropriations, FY2005.
- c. This appropriation heading was new in the FY1996 bill. The heading represents a consolidation of: (1) the former heading Members' clerk hire; (2) the former heading official mail costs; and (3) the former subheading official expenses of Members, under the heading allowances and expenses.
- d. This appropriation heading was new in the FY1996 bill. The heading represents a consolidation of: (1) the former heading committee employees; (2) the former heading standing committees, special and select; (3) the former heading Committee on Budget (studies); and (4) the former heading Committee on Appropriations (studies and investigations).

For Additional Reading

CRS Report

CRS Report RL32312, *Appropriations for FY2005: Legislative Branch*, by Paul E. Dwyer.

Selected Websites

These sites contain information on the FY2004 and FY2005 legislative branch appropriations requests and legislation, and the appropriations process.

House Committee on Appropriations

<http://appropriations.house.gov/>

Senate Committee on Appropriations

<http://appropriations.senate.gov/>

CRS Appropriations Products Guide

<http://www.crs.gov/products/appropriations/apppage.shtml>

Congressional Budget Office

<http://www.cbo.gov>

Government Accountability Office

<http://www.gao.gov>

Office of Management & Budget

<http://www.whitehouse.gov/omb/>

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